

The University of Chicago

**A STUDY OF SOCIAL REGULATIONS
IN ENGLAND UNDER JAMES I
AND CHARLES I: DRINK
AND TOBACCO**

A PART OF A DISSERTATION SUBMITTED
TO THE FACULTY OF THE DIVISION OF
THE HUMANITIES IN CANDIDACY FOR
THE DEGREE OF DOCTOR OF PHILOSOPHY

DEPARTMENT OF HISTORY

1931

By
HARRIS GARY HUDSON

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GOVERNMENT CONTROL OF THE BEER-TRADE IN ENGLAND, 1603-1640.

The effort of the English government to control the use of beer serves to demonstrate its attitude toward the general problem of intoxicants in the first half of the seventeenth century. Beer, or ale¹, by this time the common drink of the English people, was brewed and consumed extensively in both city and country, while wine, less commonly drunk as it had increased in price, was sold in taverns which were restricted to boroughs and market towns². The control of wine, therefore, was a distinctly urban problem, whereas that of beer involved rural as well as urban England. Aside from this difference the problem of both, from the point of view of good order, was the same. But there was implied in the control of beer the further object of conservation of foodstuffs, for its manufacture involved the diversion into drink of quantities of cereals, particularly barley, which were becoming the chief sustenance of the poorer people. Two considerations, therefore, the maintenance of good order including the reduction of drunkenness, and the husbanding of the people's food, prompted the government to give particular attention to the control of beer.

Regulation, at first concerned only with the price and quality of beer,³ had by the beginning of the seventeenth century developed a distinct social purpose. One circumstance that had helped to bring this about was the growth of lawlessness which readily gathered about alehouses. It was, indeed, with the object of establishing the internal order of the kingdom that Henry VII had begun the restriction of alehouses by giving justices of the peace arbitrary power to suppress them⁴. The failure of this

¹ Ordinarily the terms were used without discrimination. Strictly speaking, however, beer was the name of the drink flavored with hops, the use of which, introduced into England in the first quarter of the sixteenth century, was followed by the cultivation of the plant, begun there a half-century later. (J. Beckmann, *A History of Inventions, Discoveries, and Origins*, 4th Eng. ed. (London, 1892), II, 384-385. J. E. T. Rogers, *A History of Agriculture and Prices in England*, V (Oxford, 1887), 289-290. Ale meant the unhopped beverage. The poorer classes drank ale of low strength and poor quality, called "small ale" to distinguish it from the "best ale," which was stronger and better flavored.

² Edward VI c. 5 (1553).

³ E. g., 51 Henry III c. 3 (1266), *Assisa panis et ceruisiae*, which prescribed the proportion of grain in ale and fixed the price of the beverage according to that of grain.

⁴ 11 Henry VII c. 2 (1495).

law adequately to meet the situation in the middle years of the sixteenth century led to the law of Edward VI which, in contrast to the older enactment, authorized justices of the peace to license none but alesellers of approved character, who were to be limited in number to the needs of the population and to be bound by their recognizances to obey the law.⁵ The continuation through the second half of the sixteenth century of such economic trends as the increase of enclosures, the growing instability of employment in comparison with conditions in the old occupations as the scale of manufactures grew, and a rise of prices that affected food earlier than wages,⁶ set men loose in unprecedented numbers to wander about England. Besides these there were the disbanded soldiers who had served against the Spaniards and the Irish, so that after the accession of James I England swarmed with vagrant, idle, lawless men who made alehouses especially their "dennes."⁷

The rapid increase in the numbers of alehouses alarmed both local and national authorities. The increase, however, was not a cause of idleness, as the government was prone to believe, but rather a symptom of the unemployment of thousands of men whom agricultural and industrial changes had left with nothing to do. Moreover artisans and laborers, unable to support themselves and their families by the accustomed means, resorted to aleselling on a small scale to supplement their income. They probably often grew the grain themselves on the four-acre plot attached by law to every cottage,⁸ while the equipment for brewing was so simple and cheap that they could brew their own ale with ease.⁹ These alesellers seem usually to have been unlicensed, no doubt because neither they nor their friends owned

⁵ 5 and 6 Edward VI c. 25 (1552).

⁶ E. M. Leonard, *The Early History of English Poor Relief* (Cambridge, 1900), pp. 11, 14-17.

⁷ James I, Speech, 20 June, 1616, at the King's first coming to the Star Chamber. *The Political Works of James I*, ed. C. H. McIlwain (Cambridge, Mass., 1918), p. 342.

⁸ 31 Elizabeth c. 7 (1589).

⁹ Domestic brewing perpetuated the simple arrangements that had been common in the sixteenth century, when ale was brewed one day and consumed the next. (Cf., *Calendar of State Papers, Domestic Series, 1637-1638*, pp. 580-581.) The chief pieces of equipment, a mash-vat, a brewing-tub, and a copper beer-pot, probably cost only £3 or £4, even after making due allowance for the rise of prices. (J. E. T. Rogers, *op. cit.*, IV, 429.) The amount of malt brewed was often as little as a bushel; e.g., *Quarter Sessions Records of the North Riding of Yorkshire*, ed. J. C. Atkinson (London, 1884), II, 132, 157.

sufficient property to satisfy the requirements for the recognizances.¹⁰ The government, ignoring the fundamental causes of the situation, believed that a remedy lay in a radical reduction of the numbers of alehouses, greater strictness in the licensing of alesellers, and more careful surveillance of the licensed ale-housekeepers. Finally, a dearth between 1594 and 1598 "almost amounting to a famine" and attended by "more than the customary amount of destitution,"¹¹ at the same time, prompted the measures of 1597-1601 which moulded the whole system of poor relief, and focused the attention of the government upon the need for more efficient regulation of the manufacture and consumption of beer, not only for the sake of diminishing lawlessness but for the additional purposes of preventing waste in beer of much-needed food-stuffs and the squandering in drink of the slender resources of people whose support now devolved chiefly upon the property-owners of the parish. Hence arose early in James's reign the greater activity of administrative agencies and the agitation by the property-owning classes in James's first parliament for more effective legislation on the subject of beer.

The spirit of the age, also, was conducive to an effort to govern the drinking habits of the nation. The ideas of the Renaissance and the Reformation had not yet completed the overthrow of the medieval conception of a strictly regimented society. Regulation through the authority of the state agreed perfectly with James's notion of the province of a king. Governmental paternalism implicit in the Tudor ideal of the state as "absolute royal supremacy exercised for the welfare of the people"¹² became explicit in the words of the "British Claudius," who had not the Tudor skill to pursue a line of action without alienating popular sympathy by formulating the full philosophic import of his position. "A King," said James, "is trewly *Parens patriae*, the politique father of his people."¹³ "And as the Father of his fatherly duty is bound to care for the nourishing, education, and vertuous government of his Children; even so is the King

¹⁰ The usual amounts were £10 for the principal and £5 each for his sureties. James I. *A Proclamation with Articles of Direction thereunto annexed, concerning Alehouses*. January 19, 1618/9 (British Museum 1241 a. 3), p. 7.

¹¹ Sidney and Beatrice Webb, *English Local Government from the Revolution to the Municipal Corporations Act: English Poor Law History: Part I. The Old Poor Law* (London, 1927), pp. 61-65.

¹² Lewis Einstein, *Tudor Ideals* (New York, 1921), p. 79.

¹³ James I. Speech to Parliament, March 21, 1609/10, in *The Political Works of James I.*, ed. C. H. McIlwain (Cambridge, Mass., 1918), p. 307.

bound to care for all his subjects."¹⁴ Parliament, responding to a sense of national responsibility for the poor, inculcated by the teachings of the Reformers,¹⁵ was from the first session of James's reign in a mood to make more effective the government's control of alehouses and drinking. Many of the members had had personal acquaintance with the operation of the Poor Law of 1601. Moreover, the Parliament of 1604 was strongly colored with Puritanism. A lively sense of responsibility for the moral welfare of others,¹⁶ combined with the common conception of a strictly ordered society, led the Puritans to see a duty in attempting to regulate by legislation those habits of the people that they might condemn. In the counties, Puritan influence had already appeared in support of the forces of good order in condemning the excesses of church-wakes and other feasts in the churchyards,¹⁷ which the Church also condemned in the Canons of 1604.¹⁸ All classes from the King down denounced the sin of drunkenness,¹⁹ but custom and convenience caused the presence of alehouses and beer to be accepted without question. The object everywhere was control of the use of beer and not its prohibition.

Thus circumstances combined with the spirit of the time to urge upon all branches of the government a greater effort to

¹⁴ James I. "The Trew Law of Free Monarchies," in *The Political Works of James I.*, ed. C. H. McIlwain (Cambridge, Mass., 1918), p. 55.

¹⁵ Einstein, *op. cit.*, pp. 236-239.

¹⁶ *Ibid.*, pp. 223-224, 251.

¹⁷ A. H. A. Hamilton, *Quarter Sessions from Queen Elizabeth to Queen Anne*, drawn chiefly from records of the Devonshire Quarter Sessions (London, 1878), pp. 28-29, 73; *Quarter Sessions Records for the County of Somerset*, ed. E. H. Bates (1907), I, 7; *Calendar of State Papers, Domestic Series, 1628-1629*, p. 20 (for the order made at the Somerset Quarter Sessions in 1594); *West Riding Sessions Records*, ed. John Lister (Leeds, 1915), II, 8.

¹⁸ *Constitutions and Canons Ecclesiastical, Treated upon by the Bishop of London, President of the Convocation for the Province of Canterbury, and the rest of the Bishops and Clergie of the sayd Province; And agreed upon with the Kings Maiesties Licence in their Synode begun at London, Anno Dom. 1603. . . . And now published for the due observance of them by his Maiestie's authoritie, under the greate Seale of England.* (London, 1604.) British Museum T. 1015 (3). Canon No. 88.

¹⁹ To judge by the questions in the visitation articles, the Church attempted to diminish drinking and drunkenness. W. P. M. Kennedy, *Elizabethan Episcopal Administration*. (London, 1924), I, cxxxi; II, 97; Richard Bancroft, *Articles to be inquired of in the Ordinarie Visitation of*, etc. (1609). British Museum T. 1013 (11); William Laud, *Articles to be enquired of in the Metropolitan Visitation of*, etc. (163[6]). British Museum 5155 c. 14; John Williams, *Articles to be enquired of in the Primary Visitation of*, etc. (1622). British Museum 1368 d. 38. These are typical examples.

regulate the manufacture and consumption of beer, and to give to that effort a distinctly social purpose. The administrative machinery for carrying out a policy was ready at hand, the product of a long constitutional development. Of this the most important part was the body of justices of the peace, local gentry who by tradition and practice in their quarterly courts were exceptionally well suited to regulate the conduct of the people among whom they lived. To the local character of their control the Privy Council gave the needed direction and consolidation. This body, composed of the principal officers of the Crown, had decided, probably at the instance of Lord Burleigh, some time in the last decade of the sixteenth century, "to establish a centralized administrative hierarchy which should ensure the execution of the law in all the thousands of parishes and townships of England and Wales."²⁰ It exercised its authority directly upon the justices of the peace by orders and letters, and indirectly through the judges of assize, by whom with the Custos Rotulorum it kept itself informed of their conduct. The Court of the Star Chamber gave it judicial means of enforcing its orders and decisions.²¹

Parliament, sensitive to the burdens which the recently enacted Poor Law placed upon the class from which most of its members were drawn, began with the first session of James's reign to discuss measures designed to strengthen the legislation for the control of the beer-trade, which had remained unchanged since 1552.²² Between the end of March and the first of June, 1604, in the first session of James's first Parliament, eleven bills²³ were introduced attacking various aspects of the problem. In spite of constitutional struggles first with James and then with his son, each succeeding session of this Parliament and every succeeding Parliament to the eve of the Petition of Right debated other measures of the same sort, of which several reached enactment. A comparison of the law at the accession of James I with the law at the suspension of Parliament in 1629 shows marked progress in the direction of stricter control of the traffic

²⁰ Sidney and Beatrice Webb, *op. cit.*, pp. 65-66.

²¹ E. M. Leonard, *op. cit.*, pp. 178-179. Charles A. Beard, *The Office of the Justice of the Peace in England in its Origin and Development* (New York, 1904), pp. 76-77.

²² 5 and 6 Edward VI c. 25.

²³ *Journals of the House of Commons*, I, 159-233. March 30 to June 5, 1604.

in beer, and restraint of drunkenness. In 1603, the licensed alehousekeeper was bound by recognizances to keep order and to permit no unlawful games.²⁴ In 1629, he was also liable to a fine of twenty shillings for every sale above the fixed price of a penny for a quart of "the best" or two quarts of "small" ale.²⁵ He lost his licence for three years, if he were convicted of drunkenness or if he permitted any one, whether an inhabitant of his neighborhood or not, to remain tippling in his house longer than a limited time, usually fixed by the justices at one hour. He could be convicted on the testimony of a single witness.²⁶ The unlicensed alehousekeeper, in 1603, was liable to the penalty of three days in gaol and a fine of twenty shillings.²⁷ In 1629, he could be convicted on the oath of two witnesses, or by view or confession. If he did not pay the fine within six days and had no goods upon which it might be levied by distress, he was to be publicly whipped. For a second offence he was to be committed to gaol for one month, and for later violations of the law to be imprisoned at the will of the justices in General Sessions.²⁸ No brewer might sell him beer on pain of a fine of 6s.8d. the barrel.²⁹ Innkeepers, who claimed a prescriptive right to sell beer,³⁰ were liable, by 1629, to a fine of ten shillings if they permitted persons who were inhabitants of their neighborhoods to loiter in their houses.³¹ In 1603, there was no penalty for drunkenness. In 1629, drunkards could be fined five shillings or sentenced to six hours in the stocks, while persons who loafed in public houses could be punished by a fine of 3s.4d. or four hours in the stocks.³² Such people could be convicted by one justice upon view, confession, or the testimony of one witness.³³

²⁴ 5 and 6 Edward VI c. 25 (1552).

²⁵ 1 Jac. I c. 9 (1604).

²⁶ 7 Jac. I c. 10 (1610), 21 Jac. I c. 7 (1624), and 1 Car. I c. 4 (1625).

²⁷ 5 and 6 Edward VI c. 25 (1552).

²⁸ 3 Car. I c. 4 (1627).

²⁹ 4 Jac. I c. 4 (1607).

³⁰ E. H. Bates in *Quarter Sessions Records for the County of Somerset* (1907), I, xlv; John Lister in *West Riding Sessions Records* (Leeds, 1915), II, xxxvi; Sidney and Beatrice Webb, *The History of Liquor Licensing in England* (London, 1903), p. 5, n. 1.

³¹ 1 Car. I c. 4 (1625).

³² 4 Jac. I c. 5 (1607).

³³ 21 Jac. I c. 7 (1624).

It is evident that Parliament aimed to regulate by legislation the output and consumption of beer, but not to abolish its use. The language of the debates,³⁴ as well as of the laws themselves, show its concern to promote sobriety. The law for "repressinge the loathsome and odyous Synne of Drunkennes" described that vice as "the roote and foundation of many other enormous Synnes. . . . the overthrowe of many good Artes and Manuell Trades, the disableinge of dyvers Workmen and the general ympoverishing of many good Subjects, abusievely wasting the good Creatures of God."³⁵ Thus the purpose of the legislation was not only to check idleness on the ground that the waste of time and money in the haunting of alehouses resulted in an increase of demands upon the parish for poor relief, but also to further the maintenance of good order and to prevent the use in beer of the needed food-stuffs. The last object was pursued by setting the price of beer so low that brewers who obeyed the law were compelled, in order to sell at a profit, to use so little malt that there was the least possible consumption of barley, the food of the common people, while the strength of the drink was reduced to a minimum. There was an interesting attempt, too, in all these laws to make public-houses bear a share in relieving a condition for which they were partly responsible by assigning the accrued penalties for offences under these acts to the use of the poor of the parish where the offence occurred.

Along with law-making went a tightening up of administration, initiated and directed by the Privy Council. On June 23, 1605, it sent out to all justices of the peace of the kingdom a general order demanding greater regularity and punctuality in their attendance at the Quarter Sessions and requiring the organization in each county of small, convenient divisions, whose justices, especially assigned, were to meet at a time midway between the General Sessions of the Peace to enquire particularly about the execution of laws that concerned laborers, alehouses and tipplers, the assize of bread and drink, and rogues and vagabonds.³⁶ Thus, for administering the laws of essentially social import, the local courts were to meet at intervals of about

³⁴ E.g., *Journals of the House of Commons*, I, 1025, 532.

³⁵ 4 Jac. I c. 5 (1607).

³⁶ Hamilton, *op. cit.*, pp. 67-70.

six weeks, alternating between sessions held almost simultaneously in all the "divisions" of a county and regular Quarter Sessions held in one of the larger towns. The Privy Council specifically enjoined the punishment of unlicensed alehousekeepers and accompanied the general orders with a set of articles to be enforced by the justices of the peace upon all licensed alesellers as conditions upon which they had permission to do business. They were to allow no one to tipple above one hour in any one day, nor children and servants at all. There was to be no tippling during the time of sermons or service, nor after nine o'clock at night. Alesellers were to permit no card-playing, dicing, nor drunkenness. They were generally to sell a quart of their best beer for a penny and two quarts of the "small" for a penny,³⁷ but in counties where grain was cheap the price was to be lower to prevent stronger beer from being made and sold at a legal price. The number of alehouses was to be "as few as may be," and certificates of the number in each division were to be produced to the judges of assize. No brewer or alehousekeeper was to be a "retayner" to any justice.³⁸ "Articles of direction touching Alehouses," issued as royal proclamations in 1608 and 1619, elaborated the procedure and augmented the conditions laid down by the Privy Council in general orders and letters to the justices of the peace. The Articles of 1608 required judges of assize as well as justices of the peace to see to it carefully "that the number of alehouses bee not increased but diminished, and especially that none bee suffered to keepe Alehouses unlicensed," while in the interests of good order the Articles of 1619 added the stipulations that alehousekeepers should be bound not to keep an unknown lodger more than one day and one night, not to "buy or take to pawne any stolen goods," not to harbour upon his premises any rogues, vagabonds, sturdy beggars, or "Masterlesse men," and not to sell any tobacco nor allow it to be used in any part of his house. Besides, licensed alehousekeepers must have at least one convenient lodging for travellers, and must always have on hand "good and wholesome small Beere or Ale of two quarts for a peny, for the reliefe of the Laborer, Travailer, or others that call for the same." Justices were to be careful to proceed

³⁷ Cf. 1 Jac. I c. 9 (1604).

³⁸ Hamilton, *op. cit.*, pp. 71-72.

against brewers who delivered beer or ale to unlicensed persons.³⁹ The Privy Council, moreover, as it reminded the justices, had direct authority for its orders in James's speech in Star Chamber, June 20, 1616, when the King described the "abundance of Ale-houses" as an offence to the realm second only to the recusants, and declared, "I would have the infamous Ale-houses pulled downe, and a command to all Justices of Peace that this be done."⁴⁰

For a country without a professional police force and dependent for the maintenance of order upon the old system of watch and ward, the alehouses presented a serious problem indeed. Set up at the edges of forests and in other out-of-the-way places, and present by the hundred in the cities, they were, in the words of the justices, the "nursery of lawless persons."⁴¹ James graphically described them in the speech just quoted. "I may complaine of Ale-houses, for receipt of Stealers of my Deere; but the countrey may complaine for stealing their horses, oxen, and sheepe; for murder, cutting of purses, and such like offences; for these are their haunts. Devouring beasts, as Lyons and Beares, will not bee where they have no dennes nor covert; So there would be no theeves, if they had not their receipts, and these Ale-houses as their dennes."⁴²

In spite of the government's energetic efforts to check the increase of alehouses, their number still threatened to grow, a sign of the impoverishment of the lower orders of the people, for the poor and idle resorted increasingly to drinking, while artisans and laborers found in the operation of an alehouse upon their premises a small income to supplement through the employment of the women and children of the household the inadequate

³⁹ James I. *Miscellaneous Public Documents. Articles of direction touching Alehouses.* London, 1608. British Museum 8277 aaa. 44; James I. *A Proclamation with Articles of Direction thereunto annexed, concerning Alehouses.* January 19, 1618/9. British Museum 1241 a. 3; R. R. Steele, ed., *Bibliotheca Lindesiana, a bibliography of royal proclamations of the Tudor and Stuart Sovereigns, etc.* (Oxford, 1910), I, 146, no. 1233.

⁴⁰ *The Political Works of James I.*, ed. C. H. McIlwain (Cambridge, Mass., 1918), p. 342, and the Privy Council to the authorities of St. Edmundsbury, February 21, 1616/7. *Acts of the Privy Council of England, 1616-1617*, ed. J. V. Lyle (London, 1927), pp. 154-155.

⁴¹ Hamilton, *op. cit.*, p. 72.

⁴² *The Political Works of James I.*, ed. C. H. McIlwain (Cambridge, Mass., 1918), p. 342.

earnings of the head of the family.⁴³ Thus, the records of Quarter Sessions note the alehousekeepers presented as chiefly husbandmen, blacksmiths, tailors, butchers, shoemakers, and others, whose business of the simplest character was carried on in their own cottages. An estimate of thirty thousand alehouses, licensed and unlicensed, in England and Wales suggests a proportion of one alehouse to about every one hundred and fifty people, and confirms the impression of the small scale upon which most alesellers did business.⁴⁴ Recognition of the fact that this occupation was in most cases supplemental in nature undoubtedly explains the large number of presentments, sometimes mounting into hundreds, upon which no action seems to have been taken, for the justices of the peace, closely acquainted with conditions in their districts, were inclined to ignore violations of the licensing laws where a little aleselling kept poor men from coming upon the parish.⁴⁵ The justices knew that neither these men nor their friends had sufficient property to find the sums for the recognizances required for a licence, and that poor men might not supplement their earnings by using any other trade,⁴⁶ while the presence of these alehouses did no particular harm as long as the keepers observed the rules laid down for their conduct.

After 1630, in contrast to the earlier years when emphasis was laid primarily upon the suppression of the disorder that centered about alehouses the government was more mindful of the waste of food-stuffs in beer, because the harvests from 1630 to 1638 were generally poor. It was still held that a reduction of the number of alehouses meant a decrease of the amount of beer drunk. It was therefore believed necessary not only to restrict as before the strength of the brewers' product but also

⁴³ The Privy Council reminded the justices of the peace that they had a remedy for poverty rather in apprenticing the children of a poor man than in permitting him to keep an alehouse. *Privy Council Register*, March 16, 1633/4. Public Record Office, P. C., 2/43, p. 548. The Lord Keeper warned them not to set up alehousekeepers with large families. Rushworth, *Historical Collections* (London, 1721), II, 295.

⁴⁴ *Journals of the House of Commons*, I, 617 (1621).

⁴⁵ *Quarter Sessions Records of the North Riding of Yorkshire*, ed. J. C. Atkinson (London, 1884), II, 107, 177; IV, 214-215; *Middlesex County Records*, ed. J. C. Jeaffreson (1887), II, 149; *Quarter Sessions Records for the County of Somerset*, ed. E. H. B. Harbin (1908), II, 26, 40; *Calendar of State Papers, Domestic Series, 1619-1623*, p. 519; *ibid.* 1637-1638, p. 433.

⁴⁶ E.g., *Quarter Sessions Records of the North Riding of Yorkshire*, ed. J. C. Atkinson (London, 1885; 1886), III, 333, 363; IV, 23.

to limit even more rigorously the number of places where it could be sold.⁴⁷ The Privy Council, then, gaining under the personal rule of Charles legislative importance from the suspension of Parliament and administrative efficiency by the assiduity of Laud, treated the control of alehouses and beer as part of a general program of poor relief.⁴⁸ On January 5, 1631, Charles issued his "Commission to the Lords, and others of the Privy Council, for putting in Execution of the Laws and Statutes for Relief of the Poor, Punishment of Rogues, and Imployment of Gifts to Charitable Uses." Among the laws to be executed were all those then "in force for the repressing of Drunkenness and Idleness, the reforming of Abuses committed in Inns and Alehouses, the Abridging of the number of Alehouses, and the well-ordering of such as are licensed." The constables were to bring before the justices those, among others, who "live to spend all they have at Alehouses."⁴⁹ Accompanying the commission was the King's Book of Orders, which, like the Articles of Direction, prescribed the measures to be taken by the justices to effect the Crown's purposes. Until 1640, when its attention became absorbed in the greater problems of the struggle over constitutional questions, the Council, never satisfied with the efforts of the justices, wrote to them constantly urging greater activity in observing the King's Book of Orders than frequent reports from all parts of the country indicated.⁵⁰ In December, 1637, for example, the Coun-

⁴⁷ On June 13, 1630, the Privy Council wrote to the justices of the peace of all the counties of England and Wales and to the mayors of all cities and corporations instructing them to use all means provided by law or suggested by their experience to see that malsters used as little barley as possible, that beer and ale be held strictly to the legal strength, and that all "unnecessarie" alehouses be suppressed. *Privy Council Register*, June 13, 1630; P. R. O., P. C., 2/40, p. 25. Three months later the Council decided to reprint, with additions comprising relief and provision for the poor, the "book of orders" that Elizabeth and James had issued for periods of scarcity. *Privy Council Register*, September 15, 1630; P. R. O., P. C., 2/40, pp. 97, 108. A royal proclamation, September 28, 1630, promulgated these provisions. British Museum 506 h. 11 (9).

⁴⁸ Miss Leonard has shown how the administration of the Poor Laws in general was improved during this period. E. M. Leonard, *op. cit.*, pp. 248-266.

⁴⁹ Rushforth, *Historical Collections* (London, 1721), III, Appendix, pp. 82-89.

⁵⁰ Nevertheless, the justices reported the suppression of hundreds of alehouses; e.g., 701 out of a total of 1507 in certain parishes in and about London (*Calendar of State Papers, Domestic Series, 1634-1635*, pp. 105-107); 24 in the Hundred of Abergavenny, Monmouthshire, "more than 30" in two wapentakes of the North Riding of York, "about 20" in two hundreds of Lincolnshire (*ibid.*, 1635-1636, pp. 136-139); and similarly in other years in all parts of the country.

cil still complained that the number of alehouses in spite of its orders remained excessive and attributed to the negligence of the justices "an abuse soe hurtfull to the Common Wealth." It therefore required the Lords Chief Justice and the Chief Baron to confer with the rest of the judges of the circuits and take the most effectual order that they could conceive for suppressing all unlicensed alehouses and reducing the licensed to "a competent number."⁵¹

Nevertheless, from an examination of the Quarter Sessions records of four typical counties⁵² it appears that the justices were reasonably diligent in trying to control traffic in beer, although their zeal may not have satisfied the Privy Council, which supplied the necessary coordination and stimulation for local efforts. Their authority for regulation "really flowed from the coexistence of the powers of selection and withdrawal,"⁵³ which were theirs by the law of Edward VI.⁵⁴ Thus they sometimes laid down "conditions" more stringent than the "Articles of Direction" required.⁵⁵ They sometimes doubled the usual sums in which an alehousekeeper and his sureties were bound, and ordered the suppression of all alehouses except where they were needed for the "releefe of travellers and poore people" and then not less than five miles apart.⁵⁶ They suppressed unlicensed alehousekeepers, especially when they were charged as well with disorder of some kind, or when there was a scarcity of grain. Sometimes acceding to the request of a community they sup-

⁵¹ *Privy Council Register*, December 17, 1637; P. R. O., P. C., 2/48, p. 460.

⁵² *Middlesex County Records*, ed., J. C. Jeaffreson, II, III (1887, 1888); *Quarter Sessions Records for the County of Somerset*, I, ed., E. H. Bates (1907), II, ed., E. H. Bates Harbin (1908); *Worcestershire County Records*; Division I. *Calendar of the Quarter Session Papers*, ed., J. W. Willis-Bund (Worcester, 1900); *Quarter Sessions Records of the North Riding of Yorkshire*, ed., J. C. Atkinson, I-IV (London, 1884-1886); *West Riding Sessions Records*, II, ed., John Lister (Leeds, 1915). These counties have fuller Quarter Sessions records for this period than any others. They are also representative of the different sections of England on account of their differences in wealth, economic interests, and density of population, as well as in geographical situation.

⁵³ Sidney and Beatrice Webb, *The History of Liquor Licensing in England* (London, 1903), pp. 8-9.

⁵⁴ 5 and 6 Edward VI c. 25 (1552).

⁵⁵ Hamilton, *op. cit.*, p. 74; *Quarter Sessions Records of the North Riding of Yorkshire*, ed., J. C. Atkinson (London, 1884, 1886), I, 233 (1611), II, 126 (1616) and 173 (1618), IV, 32, 33 (1635).

⁵⁶ *Quarter Sessions Records for the County of Somerset*, ed., E. H. B. Harbin (1908), II, 120 (1630), II, 144 (1631).

pressed all alehouses.⁵⁷ On occasion, they ordered the appointment of "a sufficient person" in every parish "to taste weekly the beer and ale brewed or uttered" and to condemn any so strong "as in their judgment cannot be with profit uttered for a pennie a quart," the statutory price.⁵⁸ Similarly, better to assure that beer was not over legal strength, the justices sometimes followed the policy endorsed by the Privy Council in recognizing common brewers.⁵⁹ They also controlled malt-making and especially in times of dearth restricted the manufacture of malt or required the substitution of oats or other grains for barley.⁶⁰ The justices undertook also to improve the conduct of constables in reporting violations of the laws in their parishes and in executing the orders of the courts.⁶¹

Apparently inconsistent with its general policy of restricting the sale of beer and limiting its strength was the action of the government in disallowing the long-standing practice of the justices of the peace directed toward the suppression of church-ales.⁶² These feasts brought together in the church and church-

⁵⁷ E.g., when the people of Worle in Somerset complained of disturbance, expense, and loss from two alehouses, "where they allege they needeth not any," the justices of the county ordered the licences of the alehousekeepers, "if they have any," taken away, as the inhabitants of Worle desired. *Quarter Sessions Records for the County of Somerset*, ed., E. H. Bates (1907), I, 248 (1619). Other cases; *ibid.*, I, 222 (1618) and I, xlvii (1621). On the other hand, communities in Somerset sometimes petitioned the justices in favor of an alehousekeeper when his house suited their convenience. *Ibid.*, I, 236 (1618) and II, 34 (1627).

⁵⁸ Hamilton, *op. cit.*, p. 102 (Devon).

⁵⁹ *Quarter Sessions Records for the County of Somerset*, ed., E. H. Bates (1907), I, 144 (1615), I, 229 (1618).

⁶⁰ *Quarter Sessions Records of the North Riding of Yorkshire*, ed. J. C. Atkinson (London, 1884), I, 119, 142-3, 148 (1608 and 1609); *Quarter Sessions Records for the County of Somerset*, ed. E. H. Bates (1907), I, 320, 340, 347 (1622 and 1624); *Calendar of State Papers, Domestic Series, 1619-1623*, pp. 484 ff., 536, 579.

⁶¹ *Quarter Sessions Records of the North Riding of Yorkshire*, ed., J. C. Atkinson (London, 1884, 1886), II, 206 (1619), IV, 33-34 (1635); *Middlesex County Records*, ed., J. C. Jeaffreson (1888), III, 14 (1626); *Worcestershire County Records*, ed., J. W. Willis-Bund (Worcester, 1900), I, 135 (1609), I, 173 (1612).

⁶² E.g., the orders of the justices of Somerset: 1594 (*Calendar of State Papers, Domestic Series, 1628-1629*, p. 20); 1608, (*Quarter Sessions Records for the County of Somerset*, ed., E. H. Bates (1907), I, 7; 1612 (*ibid.*, I, 75); 1624 (*ibid.*, I, 344). James singled out the conditions in Somerset for particular approval. (Speech in Star Chamber, June 20, 1616; *The Political Works of James I*, ed., C. H. McIlwain (Cambridge, Mass., 1918), p. 342). There were similar orders in Devonshire in 1599 and later. (Hamilton, *op. cit.*, pp. 28, 29, 73.) The General Sessions of the West Riding of Yorkshire in 1612 referred to such orders as "anciently established" (*West Riding Sessions*

yard, usually on Sundays, great gatherings of people of all sorts to enjoy dancing and other sports and to drink the strong beer sold by the churchwardens to raise money for various ecclesiastical objects.⁶³ The disorders, unlawful games, waste of food, and excessive drinking that attended these occasions were notorious.⁶⁴ In 1628 six ministers of Somerset prevailed upon one of the judges of assize to extend to their county an order of the judges for county Dorset prohibiting all ales, including wakes. This order the minister of every parish was required to read once yearly in his church. So little was the order out of harmony with the customary practice of local authorities that it passed unnoticed until Lord Chief Justice Richardson reissued it in 1632. The next year Laud, recently become Archbishop of Canterbury and already high in the counsels of the King, resenting the infringement of the Church's prerogatives in the manner in which the judges required the publication of the order, and scenting the influence of "the Humorists" who "increase much in those parts, and unite themselves by banding against these feasts,"⁶⁵ influenced Charles to have the order revoked. King and archbishop were informed that "if the people should not have their lawful recreations upon Sundays after evening prayer, they would go either to tippling houses, and there talk of matters of church and state, or else into conventicles."⁶⁶ Charles professed to believe that the justices of the peace, leaving the feasts for the "recreation of the people," could prevent the disorders, while the stubborn indifference of Richardson to the King's command revealed too great independence on the part of the judiciary. Hence the Lord Chief Justice, "choked by a pair of lawn sleeves," was forced to abandon his judicial support of the policy which the Somerset bench had followed for forty years in the interest

Records, ed., John Lister (Leeds, 1915), II, 8. The Canons of 1604 issued with the approval of James I and reprinted in 1628 by order of Charles I forbade church-ales (Canons of 1604, cited above, No. LXXXVIII), although the Church seems to have made, in practice, an exception of "wakes" or feasts of dedication.

⁶³ Phillip Stubbes, *Anatomy of the Abuses in England*, ed., F. J. Furnivall (London, 1877-1879), Pt. I, pp. 150-151.

⁶⁴ Cf., the protest of twenty-five justices of the peace of Somerset, including a number of prominent men who are known to have been no Puritans, to the revocation of the judges' order. *Calendar of State Papers, Domestic Series, 1633-1634*, p. 350.

⁶⁵ Laud to Bishop Pierce of Bath and Wells. October 4, 1633. *Calendar of State Papers, Domestic Series, 1633-1634*, p. 231.

⁶⁶ Bishop Pierce to Laud, November 5, 1633. *Ibid.*, pp. 275-276.

of good order, because Laud had begun an assault upon the Puritan Sabbath, an attack of which Charles's reissue⁶⁷ of his father's Declaration of Sports formed a part.

The discussion of the efforts of the English government to control the beer-traffic cannot close without mention of the part played by the practice by which the Crown, and, incidentally, the favorites of the Court, sought to derive profit from the manipulation of the powers of regulation. The executive ineffectiveness of the ordinary officers of administration, exaggerated but, in some cases, true, invited the attempt to supplement the efforts of local authorities by the grant of patents with the privileges of a monopoly to individuals and, later, to corporations. These grants conferred the power to supervise the sale or the manufacture of beer. The futility of this expedient lay in the fact that, as the patentees operated for private gain, it increased rather than diminished the abuses that it professed to correct.⁶⁸ The primary object of the Crown, however, was revenue, and the most comprehensive schemes for licensing inns and alehouses were those devised by the Buckingham "ring"⁶⁹ for which James granted patents, when, after the death of Salisbury, the King beginning to gather the reins of government into his own hands found Parliament growing more intractable.⁷⁰ To Sir Giles Mompesson, a kinsman of Buckingham, he granted, as Surveyor and Licensor of Inns, "the fifth part of fines and rents answerable to the King for licensing inns,"⁷¹ hoping to find a source of increased revenue in a hypothetically greater efficiency in the collection of fees. He also nominated by patent two persons, whose names, it later appeared, concealed those of other associates of the Duke,⁷² who were to prevent the setting up of

⁶⁷ October 18, 1633.

⁶⁸ Sir Christopher Throgmorton to Thomas Wilson, May 9, 1619. *Calendar of State Papers, Domestic Series, 1619-1623*, p. 44. "The chief grievances were at the hands of the agents, or substitutes, of the men who held the royal letters patent." W. Cunningham, *The Growth of English Industry and Commerce*, 6th ed. (Cambridge, 1925), II, 288, n.1.

⁶⁹ W. H. Price, *English Patents of Monopoly* (Boston, 1906), p. 32.

⁷⁰ W. Cunningham, *op. cit.*, II, 301-302; S. R. Gardiner, *History of England, from the Accession of James I to the Outbreak of the Civil War, 1603-1642* (London, 1884), IV, 1-7. Both Cunningham and Gardiner offer some defence of the patents.

⁷¹ *Calendar of State Papers, Domestic Series, 1611-1618*, p. 439 (March 5?, 1617). Mompesson's anagram, it was remarked upon his flight, is "no Empsons" Chamberlain to Carleton, March 10, 1621. *Ibid.*, 1619-1623, p. 233.

⁷² Gardiner, *op. cit.*, IV, 5, 42.

unlicensed alehouses and to seize forfeited recognizances, on the alleged ground that the justices of the peace were slow and negligent in the performance of their duty.⁷³ When, however, the attack upon the patents in the House of Commons in 1621 brought out the increase of inns and alehouses because patentees refused none that would "make a good composition," and disclosed the extortion practised by the patentees and their arbitrary and illegal acts,⁷⁴ the King, doubtless in expectation of favors that he hoped to receive from Parliament, revoked the patents, declaring that they had exhausted the purses of his people more than subsidies would have done, and returned inns and alehouses to the established jurisdiction of the justices of the peace.⁷⁵

Meanwhile the Privy Council was entertaining the proposal of Jeffery Duppa, the King's brewer, to suppress drunkenness and "disorderly" brewing by setting up common brewers.⁷⁶ By controlling the brewers, it was believed, the government could assure a supply of good beer of legal strength sold by legal measures at a reasonable price, thus preventing the "waste of malt and wheate," and drunkenness, both of which resulted from the use of beer illegally strong. The number of established brewhouses was to be proportionate to the number and condition of the inhabitants of the localities which they served.⁷⁷ Although the scheme fell through, it agreed with the policy of the Privy Council, for at various times the Council attempted to control the strength and amount of the brewers' output by delegating to corporations of brewers the supervision of the brewing trade in their localities.⁷⁸

Malt-making also drew the attention of "projectors," especially in time of scarcity when the government was exerting itself to

⁷³ James I. *A Proclamation with Articles of Direction thereunto annexed, concerning Alehouses*. January 19, 1618/9. British Museum 1241 a. 3; *Calendar of State Papers, Domestic Series, 1619-1623*, p. 6; Steele, *op. cit.*, I, 146, no. 1233.

⁷⁴ William Cobbett, *The Parliamentary History of England*, I, 1192, 1194, 1228; *Journals of the House of Commons*, I, 530, 617.

⁷⁵ Cobbett, *op. cit.*, I, 1226.

⁷⁶ *Calendar of State Papers, Domestic Series, Addenda, 1580-1625*, p. 459.

⁷⁷ *Privy Council Register*, April 23, 1620. P. R. O., P. C., 2/30, pp. 503-504.

⁷⁸ E.g., the Company of Brewers of London, *Acts of the Privy Council of England, 1618-1619*, ed., J. V. Lyle (London, 1929), p. 33 (February 6, 1618); *Privy Council Register*, December 31, 1622. P. R. O., P. C., 2/31, p. 550, and *passim*. Also the incorporated brewers of Gloucester and Lincoln, *Calendar of State Papers, Domestic Series, 1619-1623*, p. 230 (February, 1621), and 1623-1625, p. 314 (July 27, 1624).

conserve the people's food-stuffs. Charles brought the most comprehensive of these proposals before the Committee for Trade in 1635, when the long period of dearth that coincided with his personal rule prompted the adoption of a scheme which promised by the incorporation of maltsters and brewers to prevent the waste of food and to increase the revenues.⁷⁹ Although included in a general effort to regulate trade, and pressed by the Privy Council, it was crushed by the inertia of wholesale passive resistance to interference with what was popularly regarded as a necessary article of diet,⁸⁰ and Charles, prevented by the crisis in the North from adopting energetic measures of enforcement, was compelled to renounce the control first of malting and then of brewing,⁸¹ the first steps toward the end of his arbitrary power.

The eagerness of projectors to advance these schemes indicates a recognition of the control of beer as a settled policy of the King and Privy Council. The proposals also attest the notion that the executive forces of the government were weak, for the law, it was thought, could be better enforced by private individuals than by the regular agencies of administration, while the elimination of illegal brewers and maltsters would be so profitable for men legally engaged in these occupations that they could afford to maintain extra-legal means of law enforcement. On the other hand, it is apparent that Charles and the Privy Council were trying to find in these proposals agencies to supplement the control exercised by the justices of the peace. If the object had been revenue only, the government, like the patentees for inns and alehouses, would have licensed any who would "make a good composition," and would have neither restricted the number admitted to the corporations of maltsters and brewers nor limited the amount of malt made or beer brewed, as the revenue was determined by the quantity of malt made or consumed.

⁷⁹ *Calendar of State Papers, Domestic Series, 1634-1635*, p. 556; *Privy Council Register*, P. R. O., P. C., 2/46, p. 434.

⁸⁰ To the disappointment of King and patentee alike the returns over a period of two years were respectively £7,298/14/6 and £400. *Calendar of State Papers, Domestic Series, 1639-1640*, p. 231. Only 643 brewers and 132 maltsters are said to have paid their "fines and yearly rents" for 1637. *Ibid.*, 1637-1638, p. 108.

⁸¹ Charles I. *Proclamation for the free and lawfull use of Maulting*, June 18, 1638. British Museum 1851 b. 3 (10); Steele, *op. cit.*, I, 215, no. 17776. Charles I. *A Proclamation, declaring His Majesties gracious pleasure touching sundry grants, licences, and commissions, obtained upon untrue surmises*; issued at York, April 9, 1639. British Museum 21 h. 1 (51); Steele, *op. cit.*, I, 218, no. 1800.

But the experiments of the government with monopolies and incorporations were always subordinate to its reliance upon the justices of the peace for the execution of its policy. Although the labor of the justices was often wanting in persistence, their routine often inadequate, and their action hampered by the dilatoriness of the law and the lack of efficient officers, yet through their efforts the Privy Council supported by the King checked disorder,⁸² diminished drunkenness and idleness, and conserved the people's food. Even the Puritan administration under the Commonwealth followed,⁸³ in the regulation of the beer-trade, the practice of the first two Stuarts and continued the policy which the government of James and Charles, building upon the legislation of Henry VII and Edward VI, had developed and established.⁸⁴

⁸² Complaints of great disorder ceased in all parts of the country except in London, and poor relief, between 1630 and 1640, was better administered than in any other period. Leonard, *op. cit.*, pp. 266, 298-304.

⁸³ *Middlesex County Records*, ed., J. C. Jeaffreson (1888), III, 189, 190.

⁸⁴ After this study was completed, my attention was called to the article by Miss C. M. Iles ("Early Stages of English Public House Regulation," *Economic Journal*, XIII, no. 2 (June, 1903), 251-262, the last section of which deals with the topic that I have treated. I have approached the subject, however, from a point of view somewhat different from hers in an effort to indicate more fully the significance of the procedure of the English authorities as an example of the means employed by a government for regulating in the interests of the general welfare the drinking habits of its people.

GOVERNMENT REGULATION OF THE TOBACCO- TRADE IN ENGLAND, 1603-1640.

Before 1640 tobacco had become a commodity in general use in all parts of England and among all classes of the people. Common folk as well as gentry, in the country as in the city, were addicted to it. A royal proclamation in 1619 stated that its use was "universal in the smallest village,"¹ and the Privy Council in 1622 referred to its sale "by great, or by retayle by the pype" in alehouses in and about London.² A beggar who in 1633 came to a squire's door, so successfully pretending "to be blind, lame and taken most perilously with a shaking palsy" that he received money and a piece of bacon from the squire's compassionate wife, no sooner was, as he thought, well out of sight than he recovered his vision and strength at once and dashed off to the alehouse of James Careless, "a surgeon," where "he called for a pot of ale, a pipe of tobacco, and a pennyworth of eggs to fry with his bacon."³ In 1638 several innkeepers, victuallers and chandlers of Stepney and Whitechapel were committed to prison for selling tobacco in their houses "a Penny worth, and two Penny worth, at a tyme."⁴ In the next year Bishop Morton of Durham wrote to Sir Henry Vane that the retailers of his city bought their tobacco from the patentees "in twopenny papers, and not otherwise."⁵ The common use of tobacco by women as well as men, mentioned in a royal proclamation in 1633,⁶ is illustrated by the story of Dorothy Lee, a widow living in Bloomsbury, who found a packet of letters in a window of

¹ James I. *Proclamation*, December 30, 1619. R. R. Steele, ed., *Bibliotheca Lindesiana, a bibliography of royal proclamations of the Tudor and Stuart Sovereigns* (Oxford, 1910), I, 150, no. 1268.

² *Privy Council Register*, July 5, 1622. Public Record Office, P. C., 2/31, p. 426. Tobacco was taken only by smoking in a pipe.

³ *Worcestershire County Records: Division I. Calendar of the Quarter Sessions Papers*, ed., J. W. Willis-Bund (Worcester, 1900), II, 529-530. Thomas Cocks of Crowle to Sir Robert Berkeley. September 12, 1633.

⁴ *Privy Council Register*, April, 1638. P. R. O., P. C., 2/49, pp. 151-152.

⁵ *Calendar of State Papers, Domestic Series, 1639-1640*, p. 90 (November 12, 1639). The patentees were those men in various localities to whom the government had granted the exclusive privilege of supplying tobacco to the dealers, according to a plan which had been adopted before the date of this letter.

⁶ Charles I. *A Proclamation for preventing of the abuses growing by the unordered retailing of Tobacco*. October 13, 1633. British Museum 21 h. 1 (37); Steele, *op. cit.*, I, 198, no. 1661; *Calendar of State Papers, Domestic Series, 1633-1634*; p. 244; *Privy Council Register*, August 14, 1633. P. R. O., P. C., 2/43, pp. 204-207.

Somerset House. She carried them to the shop of William Marshall in the Strand, gave them to "the young man that served Mr. Marshall to read," and then went up to Mrs. Thynne, who lodged there, and told her that she "had found a madman's letter to light her tobacco."⁷

The use of tobacco by all classes of the people would have been impossible, if the price had not been kept within the means of the poor not only by sale in extremely small quantities but also by traffic in the smuggled and adulterated article. Unlicensed alehousekeepers of London were accused in 1625 of bartering "with mariners for stolen and uncustomed tobacco."⁸ The tobacco-workers of London in petitioning the King for incorporation in 1639 complained that tobacco was so mixed with unwholesome ingredients to increase its weight and bulk that it was wholly altered in color and taste. Lord Goring and the other "farmers of the customs," charged to investigate the complaint, reported to Lord Treasurer Juxon that it was true that there was "much fraud and undue commixtures" in the cutting of tobacco before its sale.⁹ In the same year the Commissioners for Licensing the Sale of Tobacco informed the Privy Council of the discovery of sealed packets of tobacco whose contents had been mixed with dirt and coal dust.¹⁰

The sale of tobacco as an adjunct to tippling and other vices was most objectionable. "Tobacco and ale," remarked Sir Peter Fretchwill in the House of Commons in 1621, "are now made inseparable in the base vulgar sort."¹¹ A year later the Privy Council requested of the Lord Mayor of London and the justices of the peace of Middlesex the names, residences, and "professions" of tobacco-sellers in London, for it had learned that "divers evill disposed persons" were "retayling Tobacco through all the kingdome," and especially in London, "keepinge under the coulour thereof Tiplinge Houses, and places of resort for Leud persons, whereby" the people "become corrupted in Manners and spend their time in vicious accons, to the utter

⁷ *Calendar of State Papers, Domestic Series, 1637-1638*, p. 14 (December 9, 1637).

⁸ *Calendar of State Papers, Domestic Series, 1625-1626*, p. 204.

⁹ *Calendar of State Papers, Domestic Series, 1638-1639*, pp. 546-547 (March 8, 1639).

¹⁰ *Calendar of State Papers, Domestic Series, 1639*, p. 334 (June 20, 1639).

¹¹ *Journals of the House of Commons*, I, 605. May 3, 1621. Sir Peter Fretchwill was M. P. for Derbyshire.

ruine, and overthrowe of their wives and Children."¹² James I had, indeed, years before, in "A Counterblaste to Tobacco," condemned the taking of tobacco as "a branche of the sinne of drunkennesse, which is the roote of all sinnes," and a practice deemed necessary "to provoke your appetite" in alehouses and houses of ill-fame.¹³ The association of tobacco with drunkenness and vice continued, for in 1634 it was sold "not only by grocers, druggists, apothecaries, innholders, vintners, chandlers, and victuallers, but by brothel-keepers (who make tobacco pipes their signs)."¹⁴ The proclamation of Charles I, already referred to, describes the situation.

" the Plant or drug called Tobacco, scarce knowne to this Nacon in former tymes, was in this Age first usually brought into this Realme and in small quantity as medicine soe used, and by divers taken as Medicine. But in processe of tyme to satisfie the inordinate Appetite of a greate number of men and women, it hath beene brought in, in greate quantitie and taken for wantonnes, and excesse provoking them to drinkeing, and other Inconveniences, to the greate impayreing of theire healthes and depraveing of theire Manners. . . . Victuallers, Taverners, Alehousekeepers, Tapsters, Chamberlaines, Hostlers, and others of the meanest condicon have promiscuously used to regate the same, as allurements to other naughtines, keepeing therein noe Assise to the prejudice of the rest of his loving Subjects."¹⁵

The tobacco thus sold and consumed was chiefly imported from the Spanish colonies, and, after 1616, from Virginia and Bermuda.¹⁶ But much of it was grown in England itself, its introduction begun in efforts to evade the high duty that James levied upon the imported article.¹⁷ In 1619 the Privy Council observed "that the Gardens, Yardes, and such like places" about London, before used "for settinge of rootes, herbes, and other

¹² *Privy Council Register*, July 5 and August 7, 1622. P. R. O., P. C., 2/31, p. 426 and p. 463.

¹³ James I. *A Counterblaste to Tobacco* (London, 1604), ed., Edward Arber in *English Reprints* (Birmingham, 1869), VIII, 109.

¹⁴ *Calendar of State Papers, Domestic Series, 1633-1634*, p. 479. The Three Tobacco Pipes was the name of a tavern near Charing Cross. *Ibid.*, 1635-1636, p. 567.

¹⁵ *Supra.*, note 6.

¹⁶ S. R. Gardiner, *History of England, from the Accession of James I to the Outbreak of the Civil War, 1603-1642*. (London, 1884), III, 158.

¹⁷ J. E. T. Rogers, *A History of Agriculture and Prices in England, V* (Oxford, 1887), 468.

necessary provisions of foode, to the greate benefitt of the poorer sort of people," were generally being taken up at high rates for planting tobacco.¹⁸ The surprising extent of some of these enterprises appears from the case of John Stradford of London, who had laid out his "Stocke to the value of £5000 in planting" one hundred acres with tobacco, renting the ground at £7 and £8 the acre and disbursing £1400 for labor. In 1622 he had on his hands tobacco to the value of about £6000.¹⁹ Tobacco-growing was reported in many other parts of England,²⁰ but it was most common in the western counties, for an open warrant issued by the Council in 1627 for the destruction of tobacco names seventeen towns in Worcestershire, one in Wiltshire, and thirty-nine in Gloucestershire,²¹ whose tobacco-growers "having gathered their tobacco, daily bring it to London by secret ways, and sell it for Virginia and Bermuda tobacco."²²

The objections to tobacco were many. First attacked on the ground that its use impaired health and promoted drunkenness and other vices,²³ it was later condemned also because its importation from the Spanish colonies consumed fruitlessly the wealth of the kingdom²⁴ and its cultivation in the English colonies diverted them from the production of useful commodities,²⁵

¹⁸ *Privy Council Register*, September 28, 1619, letters to the justices of the peace for Middlesex and Surrey. P. R. O., P. C., 2/30, p. 289.

¹⁹ *Privy Council Register*, October 30, 1622 and April 8, 1623. P. R. O., P. C., 2/31, pp. 505 and 651; *Calendar of State Papers, Domestic Series, 1623-1625*, p. 562.

²⁰ Kent, Essex, Middlesex, Surrey; *Privy Council Register*, August 6, 1621. P. R. O., P. C., 2/31, p. 117. Nottinghamshire; *Calendar of State Papers, Domestic Series, 1619-1623*, p. 149 (May, 1620). Lincolnshire; *Privy Council Register*, August 17, 1626. P. R. O., P. C., 2/34, f. 57b-58a. Buckinghamshire, Lincolnshire, Yorkshire; *Privy Council Register*, September 3, 1626. P. R. O., P. C., 2/34, f. 87b. Jersey and Guernsey; *Calendar of State Papers, Domestic Series, 1628-1629*, p. 329 (September 15, 1628).

²¹ *Privy Council Register*, July 10, 1627. P. R. O., P. C., 2/36, f. 54a.

²² *Calendar of State Papers, Domestic Series, 1631-1633*, p. 224.

²³ James I., *A Counterblaste to Tobacco*, *passim*; and James I., *A Proclamation concerning Tobacco*. September 29, 1624, British Museum 506 h. 11 (28); Steele, *op. cit.*, I, 164, no. 1385.

²⁴ William Cobbett, *The Parliamentary History of England*, I, 1198 (February 26, 1621). Charles I., *Proclamation concerning Tobacco*, January 6, 1631. British Museum 506 h. 11 (127). The importation of foreign tobacco was prohibited in order "that Our Subjects may not unthriftilly vent the solide Commodities of Our owne Kingdomes, and returne the proceed thereof in Smoake." The substance of this proclamation is given in Steele, *op. cit.*, I, 192, no. 1629.

²⁵ E.g., a letter to the officers of the Virginia Company. *Calendar of State Papers, Domestic Series, 1619-1623*, p. 422 (July 11, 1622); also *Calendar of State Papers, Colonial Series*, I, 86 (1627).

while its growth in England employed ground that was needed for crops.²⁶ The proclamation which Charles issued on March 14, 1638, summed up the charges against tobacco. "The forreigne Plantations of Our Subjects remain unfortified, and are in apparent danger to be ruined, the Planters are grieved and discouraged, the Colonies of other Nations do flourish, the wealth of our Kingdoms is exhausted, the immoderate use of a vain and needlesse weed is continued, the health of Our Subjects is much impaired, and their manners in danger to be depraved."²⁷

Nevertheless, the need of revenue and the immediate interests of Virginia prevented the government from attempting the complete suppression of the use of tobacco. It was compelled instead to undertake the control of tobacco, its objects being three, one of them social in character, the other two economic. It wished to restrict the consumption of tobacco in the interests of public health and manners. It desired by controlling the traffic in tobacco to increase the revenue. It endeavored to strengthen the colonies by limiting the cultivation of tobacco for the sake of stimulating the production of more solid commodities, while, by restricting importation of tobacco into England, it proposed to conserve the resources of the kingdom and to improve its position in trade.

In contrast to the control of the beer-trade, the regulation of the tobacco-traffic, beginning late in the reign of James I, was effected by the Crown and Privy Council by means of royal proclamations and orders of the Council, administered under the direct supervision of the Council. Parliament's single attempt to legislate on the subject ended with the rejection by the Lords of a bill to restrain the inordinate use of tobacco, that the Commons had passed on May 25, 1621, after a protracted discussion in which member after member had condemned tobacco and some, favoring its complete suppression, had advocated other

²⁶ James I., *Proclamation concerning Tobacco*, December 30, 1619. Steele, *op. cit.*, I, 150, no. 1268; Charles I., *Proclamation concerning Tobacco*, May 19, 1634. British Museum 21 h. I (38); Steele, *op. cit.*, I, 200, no. 1677; *Calendar of State Papers, Domestic Series, 1634-1635*, p. 30. The years from 1630 to 1638 were particularly a period of scarcity of food-crops.

²⁷ Charles I., *Proclamation concerning Tobacco*, March 14, 1638. British Museum 1851. b. 3 (14); Steele, *op. cit.*, I, 213, no. 1769.

means of helping the colonies.²⁸ The Privy Council generally acted through its own officers and royal agents to enforce the proclamations and orders that forbade the growing of tobacco in England and restricted its importation. Later, through a body of commissioners, chief of whom was Lord Goring, it governed the sale of tobacco by granting to the retailer a monopoly of the trade in his locality on condition that he indicate his submission to the regulations by obtaining a licence.²⁹ The Council also, in conformity with its policy of increasing its jurisdiction, acting in its judicial capacity, treated violations of the tobacco ordinances as offences against itself, in order, no doubt, to ensure prompter and more efficient action than the regular courts afforded. Occasionally, however, it required justices of the peace to see that proclamations were observed or to assist its officers in the execution of its commands.³⁰ Although the Quarter Sessions Records seldom mention cases involving the tobacco regulations,³¹ the minutes of the Privy Council, especially after 1633, when the government undertook to control the sale of tobacco, are full of warrants to officers to bring up offenders, orders settling disputes between patentees, and other directions for the administration of the regulations.³²

²⁸ *Journals of the House of Commons*, I., 581-582 (April 18, 1621), 586 (April 23), 605 (May 3), 622 (May 16), 627 (May 25), *Journals of the House of Lords*, III, 135, 138, 193.

²⁹ Opinion of the attorney-general and the solicitor-general with regard to the powers of the commissioners. *Calendar of State Papers, Domestic Series*, 1639, p. 213.

³⁰ E.g. *Privy Council Register*, P. R. O., P. C., 2/31, p. 117 (1621), 2/34, f. 87b (1626), 2/35, f. 255b (1627), 2/44, p. 19 (1634), 2/45, p. 27 (1635), 2/49, p. 308 (1638), 2/50, p. 564 (1639).

³¹ The *Quarter Sessions Records for the County of Somerset* (ed., E. H. Bates and E. H. B. Harbin, 1907, 1908) contain no reference to tobacco. The *Worcestershire County Records* (ed. J. W. Willis-Bund; Worcester, 1900) contain one case (II, 549). The *Quarter Sessions Records of the North Riding of Yorkshire* (ed. J. C. Atkinson; London, 1884-1886) mention two cases (IV, 83 and 88). The *West Riding Sessions Records* (ed., John Lister; Leeds, 1915) contain an order of the court, reporting to the commissioners for tobacco licenses the conduct of one of their agents (II, 198). A similar order is given in Fairless Barber, "The West Riding Sessions Rolls," *Yorkshire Archaeological and Topographical Journal*, V (1879), 401.

³² On March 3, 1639, the Council, finding that imprisonment of unlicensed tobacco-sellers was often impracticable because many of them were so poor that they could not pay the fees that imprisonment involved and hence were compelled to remain indefinitely at the expense of the government, asked the attorney-general, Sir John Banks, to suggest some other means for making refractory sellers submit to the regulations. *Privy Council Register*, P. R. O., P. C. 2/50, p. 132.

The first general restriction of tobacco was James's proclamation of 1619 which established the government's policy with regard to tobacco-growing in England. It prohibited the cultivation of tobacco in England and ordered the destruction of all plants on four grounds,—the unwholesome nature of the English product in comparison with the foreign-grown,³³ the loss of trade to Virginia and the "Sommer Islands," the urgent need of land for food-crops, and the reduction of the revenue from customs.³⁴

Restraint of the importation of tobacco dates from 1624, when James, abandoning his Spanish policy, was willing to risk offending Philip by excluding Spanish tobacco.³⁵ On July 2, the King wrote to Solicitor-General Heath that he would listen to the petition of the House of Commons which, inspired by Sir Edwin Sandys, had expressed its desire "to have the Importation of all Tobacco excluded, that is not of the Growth of His Majesty's Dominions,"³⁶ and to the plea of the planters of Virginia for "consideration for their languishing colony, which can only subsist at present by its tobacco," although he was "sure that the colony cannot prosper if it relies only on this."³⁷ James's proclamation of September 29, therefore, announced that to aid the colonies the "planting and venting" of tobacco there would be tolerated "for a time," while trading in foreign-grown tobacco in England was prohibited. No tobacco could be imported in foreign bottoms nor brought to any port except London.³⁸

³³ Both James and Charles received assurance of this from the College of Physicians. *Calendar of State Papers, Domestic Series, 1619-1623*, p. 107 (December, 1619), and 1634-1635, p. 30 (1634). *Privy Council Register*, P. R. O., P. C. 2/38, p. 484; request for an opinion addressed to "the President, and the Rest of the Colledge of Phisitions," September 28, 1628. Cf., Charles, *Proclamation concerning Tobacco*, May 19, 1634. British Museum 21 h. 1 (38); Steele *op. cit.*, I, 200, no. 1677.

³⁴ Steele, *op. cit.*, I, 150, no. 1268. The substance of the proclamation was repeated in 1620, 1624, 1625, 1627, 1631, 1634, 1638.

³⁵ T. J. Wertenbaker, *Virginia under the Stuarts* (Princeton, 1914), pp. 44-45.

³⁶ *Journals of the House of Commons*, I, 794 (May 24, 1624), also Sir Francis Nethersole to Carleton, same date. *Calendar of State Papers, Domestic Series, 1623-1625*, p. 254.

³⁷ *Calendar of State Papers, Domestic Series, 1623-1625*, p. 290 (July 2, 1624).

³⁸ James I, *Proclamation concerning Tobacco*. September 29, 1624, British Museum 506 h. 11 (28); Steele, *op. cit.*, I, 164, no. 1385. James reissued the proclamation on March 2, 1625, with a few changes designed to improve its administration. British Museum 506 h. 11 (21); Steele, *op. cit.*, I, 165, no. 1398.

Within a month of his accession Charles issued a proclamation substantially the same as his father's, but two years later he added to a similar proclamation a clause forbidding the importation of colonial tobacco without his special licence. The purpose of the new provision was, the proclamation stated, to prevent planters from devoting all their attention to tobacco, for they were doing this "to make a present returne of profit," and were neglecting "to applie themselves to solide Commodities fit for the establishing of Colonies."³⁹ To enlist the cooperation of the planters in limiting the cultivation of tobacco, the King authorized the revival of the colonial assembly in Virginia, which, although it did not accede to his wishes, continued thereafter to meet regularly.⁴⁰ His own revenues were not expected to suffer, for the proclamation of the previous February had permitted, as a concession to English taste in tobacco, the annual importation of 50,000 lbs. of Spanish or other foreign tobacco to the King's "own particular use."⁴¹ In 1631, however, Charles, finding his financial needs somewhat relieved by other expedients,⁴² returned part way toward the position of his father and, yielding to the petition of the planters in Virginia and the advice of the Privy Council, prohibited the importation of foreign tobacco except that required by treaty until the treaties could be changed. His alleged purpose was to protect England's position in foreign trade. Imports from the colonies were to be limited, however, for no greater quantity of the colonial product was to be brought in than the King, by the advice of the Privy Council, declared "to bee competent for the expence" of his kingdom, because, the proclamation asserted, the use of

³⁹ Charles I, *Proclamation concerning Tobacco*, April 9, 1625. British Museum K. T. C. 115 a. 4 (11); *Proclamation for the ordering of Tobacco*, August 9, 1927. British Museum 506 h. 11 (96); Steele, *op. cit.*, I, 167, no. 1415 and 179, no. 1516.

⁴⁰ Wertenbaker, *op. cit.*, p. 63; Edward Channing, *History of the United States*, I (New York, 1907), 225.

⁴¹ Charles I, *Proclamation concerning Tobacco*, February 17, 1627. British Museum 506 h. 11 (67). The tobacco was to be sold by commissioners. Also in *Calendar of State Papers, Domestic Series, 1627-1628*, p. 58. Sir Edwin Sandys also referred to the English preference for Spanish tobacco, (February 26, 1621). Cobbett, *The Parliamentary History of England*, I, 1197. On April 23, 1621, he declared "the Tobacco of Virginia almost as good now as Spanish." (*Journals of the House of Commons*, I, 586), but Virginia tobacco never succeeded in displacing the Spanish product in popular favor.

⁴² S. R. Gardiner, *op. cit.*, VII, 167-168.

tobacco for any other purpose than as a drug was an "evil habite" and a "vaine and needlesse" waste.⁴³

In 1638 Charles impelled by increasing financial difficulties and dissatisfied with the results of previous proclamations and orders resolved, upon the advice of the Privy Council, to make a more determined effort to regulate the growing of tobacco in the "Plantations," to prescribe more exactly the quantity to be imported, and to take into his own hands the purchase of tobacco brought in and its sale in England. He reaffirmed also the expedient of his father⁴⁴ in a provision that no tobacco might be shipped in any English or other vessel to any foreign country without having been first brought to London and entered in the custom-house there.⁴⁵ On the day on which the proclamation was issued, the Privy Council in the presence of the King, deeming that "power to Reduce the vast quantities of Tobacco, which now are planted upon every severall plantacon to some reasonable proporcon," was necessary to the successful regulation of the "trade of Tobacco" and an increase of the royal revenue, decided to authorize a meeting of all those merchants and owners in England who had an interest in Virginia and to treat with them about the quality, quantity, and price of colonial tobacco, and in general about the needs of the Plantations. The intention was to reduce the crops "to a more vendible proporcon for the time to come; and agree on such a price, as may bee both for the good of the Planter, and the advancement" of Charles's plan for the control of tobacco in England.⁴⁶ Thus limitation of production would, it was thought, stimulate the colony to produce other commodities, while the smaller amount of tobacco brought into England would enable the royal agents to give the planters a better price, because the commissioners could sell at a dearer figure. The limited amount available for consumption in England would enhance prices there and increase the value of the King's licences

⁴³ Charles I, *Proclamation concerning Tobacco*. January 6, 1631. British Museum 506 h. 11 (127); Steele, *op. cit.*, I, 192, no. 1629. *Calendar of State Papers, Domestic Series, 1629-1631*, p. 475.

⁴⁴ Astrid Friis, *Alderman Cockayne's Project and the Cloth Trade* (London, 1927), pp. 192, 213.

⁴⁵ Charles I, *Proclamation concerning Tobacco*. March 14, 1638. British Museum 1851 b. 3 (14); Steele, *op. cit.*, I, 213, no. 1769.

⁴⁶ *Privy Council Register*. March 14, 1638. P. R. O., P. C. 2/49, p. 26.

for the sale of tobacco and hence his revenue. At the same time the smaller quantity imported would render easier the control of the use of tobacco. In this game all were to be winners except the smoker in England whose tobacco cost him more, but even he would not lose, for the higher price by curtailing his indulgence protected his health. Unfortunately, events soon occurring in the North prevented the government from pushing the scheme.

Until 1633, there was practically no restraint upon tobacco-selling,⁴⁷ although a proclamation of James I had prescribed as one of the conditions of an alehousekeeper's recognizance that he should "not utter, nor willingly suffer to be uttered, drunke, taken, and tipled any Tobacco within his . . . House," nor in any building belonging to him.⁴⁸ Early in 1632 the Privy Council referred to the Chief Justices, Thomas Richardson and Robert Heath, and to the Attorney-General, William Noy, a plan for the regulation of tobacco-sellers that apparently had come from Endymion Porter, long an intimate of the King, and two other gentlemen, one of whom, Thomas Jay, claimed a recompense after the scheme had proved a success.⁴⁹ The lawyers examined the proposal and reported on February 21, suggesting five steps. "1. To have Certificates from the severall Countyes what townes and places there are where retayling of Tobaccoe may be admitted. 2. To have Certificate from those Townes and places how many in each place may be admitted to Retayle. 3. To appointe some to allow of those that shall bee admitted to retayle and that none without Certificate bee admitted. 4. To declare what proporcons shall bee uttered in retayling. 5. To ordaine that a definite quantity be yearly brought into the Realme." The whole plan was to be put forth as a royal proclamation.⁵⁰ Two months later the Privy Council addressed letters to the justices of the peace requesting the information that the jurists had suggested and asking them to learn

⁴⁷ Charles I, *Proclamation for preventing of the abuses growing by the unordered retailing of Tobacco*. October 13, 1633. British Museum 21 h. 1 (37); Steele, *op. cit.*, I, 198, no. 1661.

⁴⁸ James I, *A Proclamation with Articles of Direction thereunto annexed, concerning Alehouses*. January 19, 1619. British Museum 1241 a. 3; Steele, *op. cit.*, I, 146, no. 1233.

⁴⁹ *Privy Council Register*, April 20, 1632. P. R. O., P. C. 2/41, p. 526; *Calendar of State Papers, Domestic Series, 1637*, p. 573 (November 29, 1637).

⁵⁰ *Privy Council Register*, April 20, 1632. P. R. O., P. C. 2/41, pp. 527-528.

also from the authorities of each place the names of those considered fit to engage in the business.⁵¹ It is to be noted that the towns and other places were consulted as to whether they desired tobacco sold there and how many and what sort of people should be allowed to sell it. It is evident from Charles's support of the plan that he did not intend to abandon efforts to limit the use of tobacco. He would not for the sake of revenue press its sale in communities which were opposed to it, but he was eager to derive as much revenue as he could from the amount that was certain to be used. The suggestion of the lawyers to fix annually a definite quantity of tobacco to be imported was consistent with the policy which Charles began in 1631 and elaborated in 1638. He intended to limit the importation of tobacco from the colonies by agreement with the planters, if possible, but independently, if they would not cooperate with him.

The proclamation, drawn up by the attorney-general and approved by the Privy Council in August, was issued on October 13, 1633. After reciting the abuses of tobacco, how it provoked men to excessive drinking, impaired health, and was otherwise harmful, it announced that the King, in order to reduce tobacco-selling to good order, would permit none to sell it "but men of sufficiency" who brought certificates of their fitness. It directed the justices of the peace to post at the Assizes and Quarter Sessions lists of the towns and places where the King upon the reports of the justices had declared that the sale of tobacco would be permitted, so that the people might know where they were. The officials of cities and towns were to post the names of those whom the King through the commissioners had appointed to sell tobacco there. No tobacco-seller might keep any tavern, alehouse, or victualling-house, "or otherwise sell any distilled, or hott waters, Wine, Ale, Beare, or Cyder in their houses, soe long as they shall be permitted to sell Tobacco by Retayle." All officers were to report offenders to the Privy Council.⁵² Six months later the substance of this proclamation

⁵¹ *Privy Council Register*, April 20, 1632. P. R. O., P. C. 2/41, pp. 528-529.

⁵² *Privy Council Register*, August 14, 1633. P. R. O., P. C., 2/43, pp. 204-207. *Calendar of State Papers, Domestic Series, 1633-1634*, p. 244. Charles I, *Proclamation for preventing of the abuses growing by the unordered retailing of Tobacco*. October 13, 1633. British Museum 21 h. 1 (37); Steele, *op. cit.*, I, 198, no. 1661.

was reissued with the explanation that the King must know the number of tobacco-sellers and the quantities that they sold that he might give order for the quantity of tobacco to be yearly brought in. All persons, therefore, were warned not to sell tobacco until they had obtained licences, upon pain of censure in the Star Chamber.⁵³ The government insisted, too, that the number of tobacco-sellers be limited to what local authorities deemed sufficient for the needs of their communities, for when Lord Goring, the chief agent for tobacco licences, called the attention of the Privy Council to the fact that the whole number of licences appointed to towns designated for the sale of tobacco had not been taken out, he received authority to let the vacant licences to the King's best advantage with the admonition that there must be no increase "in those places where a certain number was formerly limited."⁵⁴

The efforts of the government to enforce and improve the regulations concerning tobacco continued to the very eve of the Civil War. In spite of the revocation of various licences and commissions in 1639, the Crown and Privy Council clung to the control of the sale of tobacco.⁵⁵ As late as July 1, 1640, when the agitation against monopolies in the House of Commons threatened to destroy the principal agencies by which the government exercised control over tobacco, the Privy Council appointed a committee to summon all persons concerned in the trade to learn "what Course may bee best held for the maintenance" of this "service."⁵⁶ But the crisis of the struggle with Parliament abruptly ended the government's efforts to control the tobacco trade.

It is evident that, in the control of the tobacco-traffic as in the control of the beer-trade, revenue was not the sole object

⁵³ Charles I. *Proclamation restraining the abusive venting of tobacco*. March 13, 1634. British Museum 506 h. 12 (18); Steele, *op. cit.*, I, 199, no. 1671. *Calendar of State Papers, Domestic Series, 1633-1634*, p. 500.

⁵⁴ *Privy Council Register*, December 14, 1638, and August 18, 1639. P. R. O., P. C. 2/49, p. 603, and 2/50, p. 602. *Calendar of State Papers, Domestic Series, 1638-1639*, p. 170.

⁵⁵ The King by proclamation and the Council by declaration warned the people that the revocation of licences and commissioners did not affect the regulations for tobacco-selling. Charles I. *Proclamation*, March 25, 1639. Steele, *op. cit.*, I, 218, no. 1798. *Privy Council Register*, May 26 and August 11, 1639. P. R. O., P. C. 2/50, pp. 398 and 590.

⁵⁶ *Privy Council Register*, July 1, 1640. P. R. O., P. C. 2/52, p. 611.

of the government. Although in contrast to the regulation of beer considerations of revenue were paramount in the control of tobacco, the government endeavored to limit consumption of tobacco in the interest of public health and manners, to check production in the colonies so that Virginia especially instead of being "wholly built upon smoke"⁵⁷ might "the better . . . become useful" to England,⁵⁸ and to restrict importation from other countries in order that England might from the point of view of mercantilist theory be in an advantageous position in foreign trade. Partially successful in attaining its economic objects, in spite of failure to make a satisfactory arrangement with the planters, the government apparently succeeded in reducing the amount of tobacco consumed while it increased the revenues, for "tobacco licences, expected in 1626 to be worth £1325, were producing £13,050" by 1640,⁵⁹ and Secretary Windebank declared in 1636, after three years' trial of the scheme to regulate tobacco-sellers, "There is less tobacco spent, since the licences, by a third part."⁶⁰

⁵⁷ Charles to the Governor and Council of Virginia, November, 1627. *Calendar of State Papers, Colonial Series*, I, 86.

⁵⁸ Charles I. *Proclamation concerning Tobacco*, March 14, 1638. British Museum 1851 b. 3 (14); Steele, *op. cit.*, I, 213, no. 1769.

⁵⁹ W. H. Price, *The English Patents of Monopoly* (Boston, 1906), p. 42. In June, 1636, Secretary Windebank's notes of the meeting of a Committee for Trade record the yearly revenue of the tobacco licences as about £12,500, and the offers of various projectors to take over the business with guarantees of even larger sums. *Calendar of State Papers, Domestic Series, 1635-1636*, p. 551.

⁶⁰ *Calendar of State Papers, Domestic Series, 1635-1636*, p. 551 (June 11, 1636).

